

ESTTA Tracking number: **ESTTA630428**

Filing date: **10/01/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92057717
Party	Plaintiff Samuel Katzin-Simon
Correspondence Address	SUSAN UPTON DOUGLASS FROSS ZELNICK LEHRMAN & ZISSU PC 866 UNITED NATIONS PLAZA NEW YORK, NY 10017 UNITED STATES sdouglass@frosszelnick.com
Submission	Opposition/Response to Motion
Filer's Name	Michael Chiappetta
Filer's e-mail	mc@fzlz.com
Signature	/Michael Chiappetta/
Date	10/01/2014
Attachments	Opposition to Motion to Suspend (F1537646x96B9E).pdf(122375 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of U.S. Registration No. 3738107

Samuel Katzin-Simon,

Petitioner,

- against -

Ambrea C. Hanson,

Registrant.

Cancellation No. 92057717

PETITIONER'S OPPOSITION TO REGISTRANT'S MOTION FOR SUSPENSION

Petitioner Samuel Katzin-Simon ("Petitioner") is sympathetic to the circumstances alleged by Registrant Ambrea C. Hanson ("Registrant") in her Motion to Suspend Proceedings (the "Motion"). However, Registrant's Registration No. 3,738,107 for the mark CHIEKI at issue in this case is blocking Petitioner's Application Serial No. 85-780,604 for its mark CHEEKI and Design from proceeding to registration, and Petitioner has a pressing business need to obtain a registration for its mark and has strong basis for his belief that Registrant's mark is subject to cancellation for abandonment. As such, Petitioner wishes to keep this case moving forward and for the reasons set forth herein opposes Registrant's Motion, which notably seeks a suspension of *unstated duration*.

This cancellation proceeding has been pending for more than a year, and Petitioner has been awaiting Registrant's initial disclosures. Petitioner moved to compel Registrant to produce her initial disclosures and the Board granted said motion, ordering Registrant to produce her initial disclosures by June 22, 2014, but Registrant still has not produced her initial disclosures, evidencing a complete lack of commitment on her part to defending the case, or more likely, the fact that she has no proof of use to defend against Petitioner's abandonment claim, and will have

no categories of documents to list in the initial disclosure submission.

Registrant claims in her Motion that she has not been receiving service of documents in the case as she has been evading a situation involving domestic abuse, but if this is so, Registrant could monitor the case online (which she should do if she knows she cannot receive correspondence relating to the case), and this does not explain why more than a year has passed and Registrant still has not fulfilled her initial disclosure obligation. But regardless, Registrant claims in her Motion that she now has a “safe mailing address” and thus, her past difficulties should be no obstacle to going forward at this point in time. Also, this case concerns only the issue of whether Registrant has abandoned her CHIEKI mark, and so it is fairly straightforward and all relevant evidence is within Registrant’s control. Petitioner has served a tailored set of discovery requests on the issue of use and abandonment, so that the case can move forward on the merits, and Petitioner can register his long-pending trademark.

Accordingly, Petitioner respectfully requests that the case go forward so that the merits may be addressed. That said, given the past circumstances alleged by Registrant, if Registrant serves her initial disclosures immediately and without further delay, Petitioner is amenable to a 60-day extension of the remaining deadlines in the case.

Dated: New York, New York
October 1, 2014

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: 

Michael Chiappetta

866 United Nations Plaza
New York, New York 10017
Tel: (212) 813-5900
Email: mc@fzlz.com

Attorney for Samuel Katzin-Simon

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing **Petitioner's Opposition to Registrant's Motion for Suspension** was served via First Class Mail and e-mail to Ambrea C. Hanson, P.O. Box 2751, Madison, Wisconsin 53701, twentysixam@icloud.com, this 1st day of October, 2014.


Michael Chiappetta